



ENAR

SHADOW REPORT

2004

AUSTRIA

Drafted by: Di-Tutu Bukasa, Co-Author: Suzanne Ebeid, Service Provider: FC-Sans Papiers – Die Bunten

Finalised by: Jean o’Connor, ENAR

This report is funded by the European Commission, DG Employment and Social Affairs and the Compagnia di San Paolo.

ENAR reserves the right not to be responsible for the topicality, correctness, completeness or quality of the information provided. Liability claims regarding damage caused by the use of any information provided, including any kind of information which is incomplete or incorrect, will therefore be rejected.

Message from the President

ENAR's 2004 European Shadow Reports cover a period of 12 months. They are not a scientific study of the state of racism or discriminatory practices in EU Member States, but a compilation of information and data collected and provided by a vast network of NGOs working with antiracism, protection of human rights and provision of legal help and moral support to victims of discrimination, unequal treatment and marginalisation in the European Union.

This commendable work is done by many dedicated individuals, groups and organisations, who every year put a lot of effort in piecing together vital information in preparing reports from each EU country. Since official reports often paint a rosier picture of the local situation by excluding what NGOs say or experience, ENAR's reports have the added value of providing an overall picture from the ground.

EU institutions can use this information to check the performance of Member States and ask them to live up to the letter and spirit of Directives and Guidelines. In 2003, many international organizations, journalists, institutions of higher learning, European and non-European students and sister NGO networks utilized these reports.

ENAR wishes to highlight the fact that a number of diverse groups who live in the EU do not enjoy the socio-economic rights, equal opportunities and even legal protection they are entitled to. This lack of equality is not only a strong barrier in the process of mutual integration of these communities in society, but is also a tremendous financial loss to local economies.

Situations vary from country to country. Some have a long tradition of living with ethnic minorities, while others have only a few years experience. Some countries have good and functional anti-discrimination legislation in place, while others are still hesitant to comply.

Populist political statements and distorted media coverage has not helped to better the situation. Politicians hide behind "freedom of speech" to get away with the most hateful propaganda against certain groups, while the media holds the microphone. Mainstream media not only indulge in the generalisation of minorities but are also

steadfast in denying any responsibility in creating an atmosphere in which racism thrives.

EU institutions have taken many important steps to rectify this situation through directives, information campaigns and even legal steps against some countries have been taken. ENAR is hopeful that by being a bridge between ethnic minorities, NGOs and EU institutions, it can help to create a Europe where all its inhabitants can live in harmony. Our expertise is there as well as our resolve. We are here to help because we believe in truth, justice and even-handedness.

I was pleasantly surprised when I was introduced to a prominent journalist from India at a conference in Brussels recently. When he was told that I was the Chair of ENAR, he smiled and said, “I wish we also had such an organisation in Asia that can bring civil society’s wishes to the decision makers.”

Bashy Quraishy
President – ENAR

Contents

1. Executive summary	6
2. Introduction	8
3. Description of victim groups	10
3.1 Religious minorities	10
3.2 Migrant population	10
3.2.1 Migrant workers	10
3.2.2 Migrant students	11
3.2.3 Migrant women	12
3.2.4 Migrant asylum seekers.....	13
3.2.5 Ethnic and visible minorities.....	15
4. Specific areas in which racism is visible/hidden in the national context	18
4.1 Relation between judiciary and executive.....	18
4.2 Education.....	18
4.3 Housing	19
4.4 Labour market	20
4.5 Health sector.....	22
4.6 Personal experiences and daily racism in public places.....	23
5. New legislative developments under Article 13 and beyond concerning racial/ethnic/religious discrimination	25
5.1 Law on equal treatment	25
5.2 Asylum legislation.....	25
6. Government and NGO activities carried out under ‘national action plans’ concerning racism.....	28
6.1. Government activities.....	28
6.2 NGO activities	29
6.2.1 Caritas.....	30
6.2.2 Asyl in Not	31
6.2.3 Diakonie - Evangelischer Flüchtlingsdienst.....	32
7. The victims’ perception of racism and racial violence.....	35
7.1 Case One.....	35
7.2 Case Two.....	35
7.3 Case Three.....	36
7.4 Case Four.....	36
7.5 Case Five	37
8. Specific problematic areas in relation to racial discrimination	38
9. The situation of the Roma community	39
10. Data collection on discrimination and difficulties experienced in collecting information on this topic	41

11. Media coverage of discrimination	42
12. Services available to victims of racism	43
12.1 Die Bunten.....	43
12.2 ZARA	43
12.3 Klagsverband.....	43
12.4 Panafa	44
12.5 Initiative Muslimischer ÖsterreicherInnen (IMÖ)	45
13. Good/best practice of NGO work against racism.....	46
Conclusion.....	47

1. Executive summary

Racism and discrimination in Austria presupposes a historical reflection of the country's recent history based on two fundamental phenomena: One is the decline of social democracy and the rise to power of the Austrian Freedom Party (FPÖ), the second is the denial of responsibility for crimes that happened during the course of World War II and the connected question whether Austria was perpetrator or victim in World War II. The synthesis of these two phenomena is that the neo-liberal society with its economy creates its own social fractures so that the middle class transfers its contradictions to a class of "servants" ("Untermensch").

Part 2 gives an overview of Austria's political culture in the context of racism. The point of departure is World War II, changes that occurred in the country with the end of the Cold War are a second major turning point.

Part 3 manifests that Austria has historically been multi-ethnic but that popular attitudes toward a heterogeneous society are not necessarily positive. Victim groups identified and described are religious minorities, migrant workers, students, women, asylum seekers and ethnic and visible minorities.

Part 4 identifies the relation between the executive and the judiciary as a main area in which racism is visible/hidden in the national contexts. Other areas described are education, housing, the labour market, the health sector as well as personal experiences and daily racism in public places.

Part 5 describes and analyses the law on equal treatment and asylum legislation as new legislative developments under Article 13 and beyond.

Part 6 establishes governmental activities carried out under 'national action plans' concerning racism in the legislative area. Also, awareness-raising campaigns with regard to the executive are described. Among the numerous NGOs, Caritas, Asyl in Not and Diakonie are picked out since their activities can be described as following a comprehensive plan.

Part 7 renders the victim's perception of racism and racial violence by means of illustrating five cases of racial violence from their perspectives.

Part 8 identifies the dependence of the judiciary on the executive as a specific problematic area in relation to racial discrimination.

Part 9 gives an overview of the situation of the Roma community in Austria. In spite of the group's official recognition, the Roma suffer from discrimination in housing, the labour market, education and the health sector.

Part 10 describes the data collection process for this report. The report is based on literature in this field, legislative documents, media coverage and fieldwork (Interviews with victims and NGOs). The difficulty of finding comprehensive comparable data is pointed out.

Part 11 gives insights on media coverage of discrimination. Media coverage is furthermore reflected upon in other sections of the report.

Part 12 selects a number of NGOs and describes and evaluates services available for victims of racism offered by them.

Part 13 illustrates good/best practice of NGO work against racism by means of describing the approaches of a selection of NGOs working in this field.

Part 14 evaluates the relative importance of structural racism vis-à-vis attitudinal racism, analyses the phenomenon of racism in general terms and places it into the context of the currently prevailing international political system. It concludes that racism in Austria is an indispensable element for the country's political system to function.

2. Introduction

Racism and discrimination in Austria reflect that there is a connection between these two phenomena and Austria's recent history. After World War II, democracy in Austria was related to the principle of perpetual neutrality. Perpetual neutrality was a double-edged sword: On one hand, Austria's political generation of the time wanted to reconstruct democracy as the victorious powers wished to implement a constitutional state. On the other hand, to attain this aim, it was deemed necessary to take distance from the common causes and practice of war and Germany's history. Therefore, in the post-war period, the reconstruction of Austrian democracy and institutionalising of the constitutional state, were accompanied by a denial of responsibility for, and complicity in, the war. A break with the history of the 1930s and 1940s was created by interpreting these years from this premise.

In the new international political course of events after the fall of the Berlin wall, the end of the Cold War and the disintegration of the Soviet "empire", accompanied by the unfolding of globalisation and European integration, a political class which put an end to the political aims and ideals of the 1950s established itself. A transformation of the political aims of the 1950s – neutrality, democracy, preserving human rights, constitutionality, generated by politicians who themselves had experienced migration – shifted to new political aims based on neo-liberal and dangerous nationalistic ideologies.

New socio-political and economic realities effected a change in all political parties, foremost in the Austrian Freedom Party (FPÖ). Classical liberal culture was replaced by the revival of nationalism, which also found acceptance among many former socialist voters. This shift of voters from Socialists to the Freedom Party was marked by the emergence of fringe groups and a new class of "conquered" individuals in times of peace ("Besiegte").

What had been denied after World War II, has been revived in recent years. Culprits for social and economic grievances are located among the vulnerable fringe groups which since the 1990s are primarily made up of migrants. The dynamics of this process is accompanied by a historical tradition rooted in the times of the monarchy, whereby compensating for one's own inferiority complexes is accomplished by means of identifying a newly-created class of "inferiors".

Austria's political culture, marked by a denial of responsibility for the country's dishonourable role in World War II and a more deeply rooted historical tradition of generating a feeling of superiority based on German-ness is, in combination with

currently prevailing socio-political and economic circumstances, unfortunately an ideal breeding ground for racism and discrimination to unfold.

3. Description of victim groups

Austria's population has been multi-ethnic throughout history. However, this has not induced the majority population to develop a positive attitude toward the heterogeneous society it is part of. Racism and discrimination in Austria are not only directed toward groups with certain ethnic characteristics, religious identity, political or sexual orientation, but moreover to all those individuals who can be termed "conquered in times of peace" ("Besiegte"): abused children and adults; victims of human trafficking; drug addicts; the homeless; persons lacking official identification documents; etc. In our time, racism can be regarded as the dividend, or constituting fracture, in the context of power relations.

In the following sections of this chapter, you will find descriptions of the victim groups prevalent in Austria:

3.1 Religious minorities

From a legal perspective, religious minorities in Austria enjoy respect and freedom to practice their beliefs. Christianity, Judaism, Islam and Buddhism are officially recognised by the government and have governmentally supported representative bodies catering to the needs of their followers. In spite of the fact that these religious groups and their institutions are officially recognised by the state, or maybe rather because of the state's recognition, they constitute the basis for Austrians to display an insurmountable distance toward them in daily life. Members of religious minorities are often exposed to discriminatory treatment in the labour market, at school and in public places. The matter of equating persons with visible religious signs, such as the headscarf or the turban, with fundamentalists, relatives of terrorism, etc. has led to a negative association among the majority population when confronted with adherents of religions other than Christianity. Here, images from the Middle East, e.g. the war in Iraq seen on TV, reinforce this permanent distance towards "aliens" – with a certain respect however when compared to sub-Saharan Africans.

3.2 Migrant population

3.2.1 Migrant workers

Historically and geographically speaking, Austria has been the long time gate to Eastern European countries. After World War II and the re-establishment of a democratic government in Austria, due to the necessity to reconstruct the country,

there was an influx of migrant workers from former Yugoslavia, and Turkey.¹ The percentage of Viennese residents from former Yugoslavia remained rather constant, whereas the number of Turkish residents in Vienna experienced quite a steep increase: in 1981, it rose to 17.4%, reaching a peak of 22.3% in 1991.² These migrant workers were often treated as guest workers and found difficulties in acquiring proficiency in the German language that would have allowed them to progress in their professional lives. In 1971, 50.7% of the non-Austrian population in Vienna was of Yugoslav origin. Lack of language proficiency has led to a dynamic of discrimination within the working class. Migrant workers were often treated as second-class citizens in the workplace as well as in public life in general due to their language deficiency. This has led to some sort of selection process with regard to all foreigners applying for work in Austria. For example, in Austrian hospitals, one will find that personnel with Yugoslav origins are employed exclusively for cleaning services.

3.2.2 Migrant students

The post-war attitude in Austria toward migrant students was benevolent, as hosting students from other countries was considered an integral part of development aid. Education in a liberal social democracy was seen as a public good to be available for everyone. With the construction of one of the three United Nations Offices in Vienna (UNOV) under the liberal socialist government in the 1970s, the composition of migrants became more diverse and multi-faceted. Migrants from different parts of the world came to study in Austria. Statistics document that in 2001, out of all the non-Austrian residents in Vienna, only 10% were from other EU95 states, in contrast to the beginning of the 1960s, when the percentage of non-Austrian residents from EU95-states in Vienna amounted to 51%.³

This development and the replacement of post-war politicians by a new political class, as described in the introduction, opened the gate for the media and politicians to disseminate a new, less welcoming attitude, toward migrant students and formulate more restrictive policies. In the 1990s, the Austrian Freedom Party (FPÖ) challenged the hitherto established governing socialist and conservative parties (SPÖ, ÖVP) with regard to basic rights and practices of democracy and propagated a

¹ Harald Waldrauch, Karin Sohler: "Migrantenorganisationen in der Grossstadt", p. 139, Europäisches Zentrum Wien, 2004

² Harald Waldrauch, Karin Sohler: "Migrantenorganisationen in der Grossstadt", p. 139, Europäisches Zentrum Wien, 2004) (Harald Waldrauch, Karin Sohler: "Migrantenorganisationen in der Grossstadt", p. 139, Europäisches Zentrum Wien, 2004

³ Harald Waldrauch, Karin Sohler: "Migrantenorganisationen in der Grossstadt", p. 137, Europäisches Zentrum Wien, 2004

peculiar and exclusive form of liberalism. By resorting to populist methods and identifying migrants as the source of all sorts of social and economic grievances, the FPÖ was able to gain the favour of the common Austrian middle class. The repercussions for migrant students are expressed in a variety of policies, such as the one concerning student fees, which foresees that foreign students pay two times the amount that Austrian students do⁴, and the law limiting the right of migrant students to work in Austria in employment which does not serve to cover their livelihood.⁵

The recently published results of the PISA study, attesting a poor performance for educational institutions in Austria, has led politicians from the Austrian Freedom Party (FPÖ) to ascribe the deficiencies of Austria's educational system to the "high" contingent of migrant pupils in schools. Accordingly, proposals for reforming Austria's educational system include obligatory German courses for migrant children and their mothers.⁶⁷ Another proposal made by the FPÖ is to deny children whose parents are staying "illegally" in Austria access to schools⁸.

3.2.3 Migrant women

It is migrant women who are foremost affected by human trafficking. The trafficking of women is in most cases related to sex work. Labour migration movement of women is closely connected with activities in households, reproductive activities and prostitution. Migrant female sex workers have been increasing in Austria since the beginning of the 1990s as there exists an increasing demand for prostitution services.⁹ LEFÖ (Lateinamerikanische Emigrierte Frauen in Österreich), an organization offering services to women who are victims of trafficking and preventive health care to migrants engaged in sex work, furthermore reports hidden racism in procedures of divorce where custody for children is often extended to the "local" father.¹⁰

Since in Austria prostitution is not recognised as gainful employment, migrants working in prostitution do not have the possibility to work independently and in

⁴ www.oeh.ac.at/oeh/politik/protest/102690187257

⁵ Burgstaller, Leitner, Lobner: „Bundesrichtlinie Zusammenarbeit des Service für Arbeitssuchende und Service Versicherungsleistungen mit dem Service Ausländerbeschäftigung“, p. 14

⁶ „Sprachmängel im Bildungsdialog“, Kurier, 20. February 2005, Vienna; Alexander Dunst: „Lernweh“, Profil, 21 February 2005, Vienna

⁷ Bernhard Perchinig: „Die neuen Sündenböcke“, Falter Nr. 8/05, Vienna

⁸ „FP und ‚illegale‘ Kinder“, Der Standard, 26/27 February 2005

⁹ see Caspar-Urban Weber: „Wärmetod des Zwischenmenschlichen“, Bunte Zeitung, November/December 2004

¹⁰ LEFÖ representative Ronja in an interview on 9 February 2005

self-determination. Prostitution in Austria is categorised as an immoral activity and contracts cannot be enforced therefore. The issue of prostitution is strongly moralised and stigmatised in Austria. The engagement of African prostitutes, which constitute a minor but increasing contingent of this sector, has led to a medially transported linkage of women of African origin with the locally conditioned demand for this “immoral” service. Disagreements between residents and African asylum seekers working in prostitution which have led to street protests in Vienna’s 15th district last year are an expression of difficulties developing here.¹¹

Another expression of the difficulties encountered by black women in Austria is the formation of the Black Women’s Community for Self-Help and Peace (SFC) in October 2003. SFC has documented several cases of racial incidents involving black women, among them a report transmitted by the Austrian private TV channel “Puls TV” on “aggressive black prostitutes”. SFC furthermore reports on cases of discrimination of black women in housing and employment, and denial of access to the public zoo in Schönbrunn.¹²

The SFC sees the necessity for black women to represent their cause themselves rather than being represented by deputies as crucial in counteracting discrimination. Furthermore, it demands an inclusion of black women in the anti-racism work done in the cultural field, for example through filling some of the posts created thereby with black women. In a follow-up to the First Federal Symposium of Black Women of different origin, held from September 18 to 19 2004, the SFC drafted a catalogue of demands to the Austrian society and its institutions.¹³

3.2.4 Migrant asylum seekers

In 2003 out of 39,354 applications for asylum, only 2,084 were accepted according to figures from the Federal Ministry for Internal Affairs. The number of asylum seekers is declining. In January 2005 1,368 persons were seeking asylum, compared to 1,533 persons in January 2004. This is a decline of 10%. In 2003, most asylum seekers originated from the Russian Federation, followed by Turkey, India and Serbia & Montenegro. Comprehensive data for 2004 is not yet available, however there is little change in regard to the country of origin of asylum seekers.¹⁴

¹¹ LEFÖ representative Ronja in an interview on 9 February 2005

¹² Beatrice Achaleke in an interview on 4. February 2005

¹³ Beatrice Achaleke in an interview on 4. February 2005; SFC Forderungskatalog

¹⁴ <http://www.bmi.gv.at/fremdenwesen/>

The asylum legislation formulated under former Minister of Interior Ernst Strasser gives explanations for the decline in persons seeking asylum in Austria and is proof for the presence of institutional discrimination (for a detailed analysis of asylum legislation, see section 5.2). The currently valid legislation concerning asylum seekers is in contradiction with international economic developments and furthermore illustrates that asylum seekers are driven to criminality.

Hubsy Kramar, a politically active artist, holds the political class of actual decision makers responsible, whereby he points out that the causality of the phenomenon of racism can be traced to the fact that the political class does not notice the consequence of multi national corporations' behaviour with their "private armies in different parts of the world" in order to pursue their interests together with those of local dictators. This, together with the trade in arms, leads to an exodus, or emigration, from countries like the Sudan or Congo, as is currently taking place. In this context, Mr. Kramar asks for the meaning of a so-called "economic refugee", as these persons' exodus is an attempt to survive. This political class exploits every loophole in order to drive persons to a living below subsistence. If a person does not receive work and residence permits, Mr. Kramar sees that Austrians have gone too far – that the denied Nazi-ideology of master and servant (Herr und Untertan) is applied in daily politics. Mr. Kramar misses the quality of empathy among the contemporary Austrian political class – politicians who can share happiness and joy as well as suffering.¹⁵

The point of view of many Austrians is that migrants are the embodiment of the alien, where the alien (Ausländer) in the general Austrian mental set up is the expression of an objectionable minority. Aliens have two content-related destinies - one of them is the destiny of denial, as Austrians still need to reflect upon and process their history with regard to the attitudes prevailing toward the non-Germanic population. Robert Menasse, a contemporary Austrian writer, comments on this year's celebrations to commemorate the reconstruction of the republic after World War II that Austria would now:

"Exhibit what it has basically always been: not a state with a certain history, but rather historyland. That is to say, dishonest and blind to history even when it exhibits its history."¹⁶

¹⁵ Hubsy Kramar in an interview on 21 February 2005

¹⁶ Robert Menasse cited in Doris Knecht: "Tanz den Staatsvertrag", Profil, 21 February 2005, Vienna

The second destiny is a result of the first; it is the susceptibility of Austrians to resort to baseness, anchored in the racial theory propagated under the Nazi regime identifying an Aryan “master race” to which non-Aryan peoples are inferior, under which interactions with the alien are subsumed. Hubsli Kramar confirms this thesis and attests that Austria’s most circulated daily newspaper “Krone”, by promoting the constitution of one’s own self-consciousness by means of looking down on others, plays a vital role in perpetuating this tendency to baseness.¹⁷ In this regard, migrant citizens, migrant asylum seekers, illegalised or undocumented migrants and refugees, constitute a population of human beings to whom institutional as well as daily racism and discrimination is transferred.

Migrants from Asia, Africa and South America are treated under somewhat different regimes of discrimination. As migrant groups principally display a different set of problems, institutionally they are treated and discriminated accordingly. When it comes to daily racism, they are all in the same boat. They are viewed by many of the majority population as an expression of inferior, immature persons (unmündige Wesen).

3.2.5 Ethnic and visible minorities

In the past years, a small group of Iranian Jews and a large number of Jews from the former Soviet Union joined the group of long-time Jewish inhabitants¹⁸ which had experienced a drastic shrinkage with Hitler’s rise to power in the 1930s and World War II. Anti-Semitism - in contrast to Islamophobia, which in Austria is linked to themes such as terrorism, the headscarf and women’s suppression, (features which reflect the political taste of the current world order)- is hardly discussed in public debates. This is not to say that anti-Semitism is not present. Subtle, subliminal anti-Semitic feelings, can be found among the majority population of Austrian society.

However, historically rooted sensitivities and the pressure of international political realities emanating from the strong and almost unconditional US support of Israel lead to an artificial and superficial indifference concerning issues related to Israel, and the Jewish population in Austria. Even though official efforts are exerted to reconcile this group - resources are allocated to Jewish educational, religious, cultural and memorial institutions - it is evident, through presentation of Jewish concerns in the media and the areas of art and culture¹⁹, that the issue of

¹⁷ Hubsli Kramar in an interview on 21 February in Vienna

¹⁸ http://www.ikg-wien.at/IKG?portal_skin=Links&lang=English

¹⁹ As demonstrated by national media coverage and cultural activities concerning Jews, for example the memorial of the British artist Rachel Whiteread. It was erected in Vienna in October 2000 in order to ensure the

reconciliation (Wiedergutmachung) is an unchangeable (unruettelbar) constant, so deeply-rooted in the Austrian mentality that one rather lives with it than addressing the issue head on.

A member of the Sikh community, S.A.S., is cited here due to his view of discrimination and racism of the majority population vis-à-vis minorities, especially groups that give priority to collective identity, as opposed to identity. S.A.S. believes it is a major discrimination when the traditions and customs of other cultures are not taken into consideration in regard to their Internet communication habits. The question here is that of names: Singh for men and Kuer for women are names which every Sikh carries, however this is not compatible with the Austrian administration. S.A.S. assumes that first and family names do not have to be forced upon anyone in the Christian logic, because the right of residence and nationality does not imply that one needs to give up one's primary customs and beliefs. Instead of first and family names following the Christian logic, he would prefer another model for the connotation of identity.²⁰

Visible minorities, especially those from sub-Saharan Africa, often find themselves in the category of human beings without basic rights, which they deserve. This means, they are even more alien than other "foreigners", and discrimination including violence and murder has been repeatedly inflicted upon them. Institutional racism often leads them to be lawless "illegal" persons against whom violence is used as a compensation for acquired or innate weakness of any kind. The virility of African youth is often countered with violence. The causalities of locals' addiction to drugs, the susceptibility to paedophilia, and the trafficking of women, are subsumed under crime committed by "aliens". Criminality is explicitly categorised by the media into Austrian criminality (child abuse, trafficking of women, drug abuse, economic offences, etc.) and "alien" criminality (drug trafficking, theft, prostitution etc.). There is a preference for focusing on the so-called "alien criminality", foremost on the sale of illegal drugs. Here, Africans are criminalised by the media as well as governmental institutions in a manner that makes citizens believe that without the existence of aliens Austria would be a paradise. Austrian media and many among the majority population in general demonise African drug dealers/street runners in ways comparable to the one in which Jews were brand-marked in the 1930s. In a recent interview with the Austrian Interior Minister, Karin Miklantsch, she argued with regard to the Freedom Party's demands for DNA-tests

remembrance of the crimes committed in the national socialist era and the victims of the Shoa. The concrete cube represents an outward turned library.

²⁰ S.A.S. in an interview on 4 March 2005

on all asylum seekers that this was a “good idea.” Also, the new asylum legislation may provide a stipulation on force feeding for asylum seekers on hunger strike.²¹

²¹ Chritine Lugmayr: “Sollten uns nicht über Medien watschen”, Die Presse, 5.3.2005, Vienna

4. Specific areas in which racism is visible/hidden in the national context

4.1 Relation between judiciary and executive

Specific areas in which racism is visible/hidden in the national context can be found foremost in the way the judiciary operates. What can be the objectivity of a trial if independence from the executive is not given; rather, the executive exerts a dictate upon the judiciary. So, how can a trial be qualified as objective if the high-ranking decision makers of the country have got a state of mind as reflected in the statements of Minister of Justice Karin Miklautsch. The separation of powers of the executive and the judiciary is, as in all parliamentary states, anchored in the Austrian constitution; in fact, it exists on paper only.

Realities on the ground show that we are witnessing a growing dependence of the judiciary on the executive through political parties. The main reason for this is that the body for putting forward complaints regarding police malpractice, the BIA (Büro für Interne Angelegenheiten), is a department of the executive itself within the Federal Ministry of Interior. This makes it difficult that the police to convict police, as illustrated for example in the case of Seibane Wague, a Mauritanian migrant who was killed in a police operation due to unprofessional and torturous treatment. Here, the police officers involved made their giving of evidence conditional upon a guarantee of non-sentencing.²²

Also, in the frequently occurring trials concerning the sale of illegal drugs, where the local drug abuser is usually invited to court to give testimony and the so-called alien is charged with selling the drugs, the affirmative assertion of the local witness is suffice for the charged “alien” to be convicted. No further evidence is necessary.²³

Apart from the problematic relation between the executive and the judiciary, visible/hidden racism is manifest in the areas of education, housing and labour market, as well as in personal daily experiences in public areas, as illustrated in the following.

4.2 Education

The Austrian social democratic political mainstream forces have always considered education as a public good. A core achievement of the post World War II

²² Werner Rotter and Di-Tutu Bukasa: “Ein Urteil mit Folgen?”, Bunte Zeitung, April/May 2004, Vienna

²³ “I came here to be safe, not to die”, Bunte Zeitung, November/December 2004, Vienna

democratic republic has been to grant free access to educational facilities for all regardless of social class, nationality and financial capability. With the adoption of the university law of 2002, this is no longer the case. Students are now obliged to pay tuition fees, and university education has become somewhat more of a luxury.²⁴ Students who are not Austrian citizens are now discriminated against by the new law as it stipulates that they have to pay double tuition fees.²⁵²⁶ This, in combination with a restrictive employment policy for foreign students, severely limits the socially and financially weaker youth's access to university education. In the present situation, it is not the talent and abilities of students, especially non-Austrian citizens, which determine their success, but rather their financial capacity is decisive in the pursuit of continued education.

Access to public schools is free for students of all nationalities. However, there are incidents of discrimination here due to deficient German language skills and ethnic or religious identity. The Initiative of Muslim Austrians (IMÖ) reports a case where a teacher in a fashion school ripped off the headscarf from a student in October 2004. There were also reports of similar incidents of discrimination at various other schools.²⁷ Thus, in spite of the almost unanimously prevalent political consensus not to adopt a law forbidding the wearing of the headscarf in schools (prohibition of the headscarf has been suggested and demanded by a few politicians from the Austrian Freedom Party), headscarves are, from a social perspective, far from being accepted.

4.3 Housing

Government supported housing is mainly envisaged for Austrians. Migrants who are Austrian citizens have access to government-supported housing. Discrimination exists in the allocation of apartments as migrants are usually given housing in distinctive districts of Vienna. In this way, a sort of ghettoisation of migrant residents is created. Sub-Saharan Africans encounter severe discrimination from tenants as well as neighbours.²⁸

²⁴ <http://oeh.ac.at/oeh/politik/107774863943/107158502706> Note: Also, the government policy foresees that universities increasingly finance themselves through the private sector. This may be a peril to universities' independence and freedom of deciding upon the content of teaching.

²⁵ Omar Al-Rawi: "Doppelte Studiengebühren", Bunte Zeitung, November/December 2004

²⁶ <http://oeh.ac.at/oeh/politik/protest/102690187257>

²⁷ Carla Amina Baghajati: "Islamfeindlichkeit – Rassismus Beobachtungen zum Jahr 2004", Initiative muslimischer ÖsterreicherInnen, 2005, Vienna

²⁸ Dr. Werner Binnenstein-Bachstein in an Interview on 10.02.2005

Migrants who are asylum seekers are provided with housing through organisations such as Caritas and Diakonie. Housing facilities are marked insofar as the category of living is not up to regular legal provisions - eight migrant asylum seekers share one room with bunk beds, one rarely finds rooms for four persons only.

As they do not have the possibility of finding a job, migrant asylum seekers depend on measures, as described above, provided by the government-regulated “Grundversorgungsmassnahme” (measure for the provision of basic requirements). Under certain circumstances, due to the inadequate provision for basic requirements, stress between fulfilling basic requirements and filling and designing a daily structure (Tagesordnung) develops. This may lead to the occurrence of minor crimes. Furthermore, the sum of discriminations concerning daily structure and housing leads much of the general Austrian public to view migrants as persons of low human standard (Untermenschen), unintelligent and suffering.

Those migrants whose asylum applications have been unconditionally rejected (“rechtskräftig negativ”), have to rely upon themselves. This category of persons reaches such a condition of life which in a constitutional state (“Rechtsstaat”) cannot be reconciled with the general principles of such a state. This is similar to slavery in our age. There is a lack of any form of identity card, these persons cannot therefore rent apartments, they cannot open bank accounts or marry, etc.

The frustration of illegalised migrants leads them to take actions of self-help. If they are acquainted with a resident, then they use this address to register their residence and in fact live anywhere. Visible minorities, especially sub-Saharan Africans, are controlled and harassed constantly in the streets and asked to show their registration of residence; those who cannot show it end up in prison and thereafter in detention. Upon their release, the entire circle starts anew.

4.4 Labour market

Research for this report has revealed that the employment policy regarding non-Austrian nationals in Austria is based on an ideology of racism and hostility, which in turn is nourished by the policy. The law on employment for foreigners (“Ausländerbeschäftigungsgesetz”) explicitly states that an employer who wishes to employ a non-Austrian national has to prove that an Austrian national capable of filling the position in question is not available.

Elisabeth Freithofer, an expert on employment matters concerning non-Austrian citizens at the “Integrationshaus” in Vienna, states that the principal problem of

unemployment, which is of a socio-economic nature, is channelled into discriminatory regulations concerning access to the employment market. Drawing on her experience, she confirms that the legal barriers to employment for non-Austrian citizens entail ideological barriers.²⁹ Furthermore, the legislation regulating employment for foreigners places migrants into different categories according to country of origin, resident status, etc. and grants variations of work permits accordingly. This leads to a perilous situation of de-solidarisation among migrants, as some of them are granted access to the labour market and are entitled to government support, while others are not.³⁰

Asylum seekers are, from a legal point of view, not present within the labour market; since January 2004, they do not appear in the federal employment office's statistics.³¹ There is a stipulation in the EU-Enlargement and Accommodation Law ("EU-Erweiterungsanpassungsgesetz") adopted in May 2004 granting asylum seekers the right to work after a period of three months as long as there has been no jurisdiction on their applications. However, a second decree concerning the applicability of the EU-Enlargement and Accommodation Law ("Durchführungserlass zum EU-Erweiterungsanpassungsgesetz") constitutes a serious limitation to this right, as it states that other groups are to be given preferential treatment.

Some asylum seekers work for the municipality at the MA 48 (the municipal authority for waste management and street cleaning), clearing the streets from dirt and snow. They sometimes work on a systematic casual basis, day by day and over a period of three to four years, without obtaining a regular work permit. Their health insurance is valid only for the days they work – they are not socially insured and receive extremely low compensation. Interpreting these circumstances from an absolutist point of view, one may say that through the work regulations practiced by the MA 48, illegal labour conditions are legalised.

Apart from institutional discrimination affecting asylum seekers, migrants with work permits and migrants who are Austrian nationals are also exposed to discrimination in the labour market. Cases have been documented where job applicants have been rejected due to their ethnic and/or religious identity - the headscarf worn by Islamic women is often the reason why they are denied employment. The example of Elvira Hamzic, who was denied employment due to her headscarf, illustrates that the

²⁹ Elisabeth Freithofer in an interview on 25 January 2005 in Vienna

³⁰ A. Burgstaller: Bundesrichtlinie Zusammenarbeit SFA/BVS, SAB, SVL, 2004, Vienna

³¹ Elisabeth Freithofer in an interview on 25 January 2005 in Vienna

federal employment office locates the problem in the applicant's unwillingness to remove the headscarf.³² In spite of the fact that the employer has to in theory prove that she/he did not decide on whom to employ on discriminatory grounds. This is especially true for migrants with traditional or religious dress, as well as visible minorities such as sub-Saharan Africans, who are in practice denied employment in the public sector, whether it be the Viennese public transportation services, schools, the police or other public institutions.

4.5 Health sector

It is a fact that the Viennese health system could not function without the services of migrant employees - 66% of the nursing staff in the health system are migrants³³, however their treatment remains to be questioned. Migrant patients also experience discriminatory treatment due to their exclusion from the health system and linguistic deficiencies.³⁴

The target group of “Uns verbindet – Gesundheit und Migration – Wien”, an association aiming to improve migrants' situations relating to health issues, are migrants employed in the health sector in Vienna. They mostly occupy positions in the lower levels of the health system and are discriminated against due to the hierarchical structure prevalent in the health sector and their physical inability to work night shifts, due to age for example. The pressure exerted upon them results in severe stress and fear of job loss. A career path within the health sector follows rigid lines and non-Austrian medical personnel are excluded from certain leadership positions. A non-Austrian doctor can for example attain the position of senior physician, but cannot become head of a clinic.³⁵

Dr. Ali Taghian, representative of “Uns verbindet – Gesundheit und Migration – Wien”, assumes that one can counteract racism in the health sector by campaigns, workshops, education and continued education. He sees racism not as an issue of rationality, but rather as an irrationally guided emotional issue. Migrant nursing personnel receive low compensation and inappropriate treatment. Members of the nursing staff, even when positive recommendations have been issued to them, may be informed that due to insufficient language knowledge they cannot improve their status. Dr Taghian states policies fuelling racism as a reason for the situation described here. He cites an occurrence in 1992, where the Austrian Freedom Party

³² Correspondence from the Arbeitsmarktservice Oberösterreich, 16.06.2004, Linz

³³ Ali Taghian in an interview on 8 February 2005

³⁴ see “Odyssee durch Österreichs Gesundheitsinstitutionen”, Bunte Zeitung, September/October 2004, Vienna

³⁵ Ali Taghian in an interview on 8 February 2005

(FPÖ) demanded that the achievements of foreign nursing personnel needed to be controlled. This initiative did not result in a vote of confidence. Dr Taghian added that racism is not a phenomenon specific to Austrian society today, but that Austria is carrying a historic burden which casts a shadow on problems in daily life.³⁶

4.6 Personal experiences and daily racism in public places

In the context of racism and discrimination, personal experiences should be understood as the residual resources which one applies in a high standard capitalist society in order to satisfy created needs and relations of competition. Apart from institutional racism, daily racism develops as the customary law of the majority society vis-à-vis groups of persons who are viewed as strangers, aliens (“Fremde”).

In this context, racism in Austria is to be considered as the positioning of social relations of power within the structure of societal fractures. Relations of power reflect social fractures. From a systemic view, racism in Austria is confronted with hierarchical relations of power between classes and can be likened to the oil which is necessary to make the engine of a machine run. Such a machine is in need of persons whom one calls conquered in times of peace (“Besiegte”). This condition is extended comprehensibly to other conquered groups, as seen in the phenomenon of child abuse, the trafficking of women, etc.

The Vienna-based organisation ZARA has as its objective to combat all kinds of racism and reports 800 documented cases of racist incidents for 2004, more than 200 of them are racist inscriptions, others are complaints of being denied access to pubs, restaurants and discotheques on ethnic grounds. Also, ethnically charged conflicts in public areas are increasing. These 800 reported cases are only a fraction of actual racist occurrences however.³⁷ The European Monitoring Centre on Racism and Xenophobia also reports frequent complaints about racial discrimination regarding access to public places such as restaurants, bars and pubs.³⁸

The association “Die Bunten”, through its experience of counselling asylum seekers, has learned about several cases of harassment in public places due to ethnic identity. Prevalent is harassment of Sub-Saharan Africans in the public transportation system and other public places where they are often considered as drug dealers by other passengers as well as the police (Hamdi Soliman). A documentary recently screened

³⁶Ali Taghian in an interview on 8 February 2005

³⁷ Verena Krausneker, editor of the ZARA Report on Racism, in an interview on 27 January 2005

³⁸ Racism and Xenophobia in the EU Member States. Trends, developments and good practice. Annual Report 2003/2004 – Part 2, p 62

by the national television broadcasting station ORF, featuring amongst others a black school teacher who speaks about the problematic of being equated with drug dealers, confirms this point by resorting to his personal experience.

5. New legislative developments under Article 13 and beyond concerning racial/ethnic/religious discrimination

5.1 Law on equal treatment

Only in May 2004 did the Austrian parliament transpose the EU Directives 2000/43/EC and 2000/78/EC by passing the law on equal treatment (Gleichbehandlungsgesetz). The Austrian government opted for extending the scope of this already existing legislation on the equal treatment of men and women at the workplace; it did not adopt a new comprehensive anti-discrimination law carrying that name. The “Gleichbehandlungsgesetz” does not implement a clear shift of the burden of proof as described in the Directives. Furthermore, it does not provide a legal basis for specialised NGOs to engage in judicial and/or administrative procedures which enforce the obligations under the Directives.³⁹ The existing body formed under the new law, the commission on equal treatment (Gleichbehandlungskommission), has yet to deliver results as the committees provided for by the law have not yet been formed.⁴⁰

5.2 Asylum legislation

New legislative developments concerning racial/ethnic/religious discrimination have been taking place with regard to the asylum law. Suggestions for amendments are currently being discussed and submitted for approval. Latest developments concerning asylum and aliens’ law are the proclamation of harsher procedures concerning the “misuse” of asylum and declaring “asylum fraud” as elements of crime.⁴¹ Also, more rigorous detention regulations and demands by the Austrian Freedom Party (FPÖ) for DNA tests for all asylum seekers and force-feeding for asylum seekers on hunger strike, are being discussed, as reported in “Die Presse” on March 5 2005.⁴²

The implementation process of the new asylum legislation has given rise to serious discussions regarding the lack of its humanity and the unconstitutional spirit of some of its stipulations.⁴³ It provoked severe criticism not only from the part of the NGOs, but also from political opposition party. Terezija Stoisits, human rights speaker for the Green Party, points out that the re-naming of the aliens’ law to “aliens’ police

³⁹ EUMC: Racism and Xenophobia in the EU Member States, Annual Report 2003/2004, Part 2

⁴⁰ <http://www.klagsverband.at/news.php?nr=5720>

⁴¹ Wiener Zeitung: “Anstiftung zum Asylbetrug strafbar”, 23 February 2005

⁴² Christine Lugmayr: “Sollten uns nicht über Medien watschen“, Die Presse, 5 March 2005

⁴³ „Vorbehalte gegen neues Asylgesetz“, Wiener Zeitung, 9 March 2005

law” signifies the transformation of the aliens’ law to penal law.⁴⁴ Michael Chalupka, director of the Diakonie, notes that the basis for the new law does not reflect a spirit of protection but rather one of fighting criminality and misuse of the asylum law.⁴⁵ Franz Küberl, president of Caritas, sees a degradation of the asylum law, insofar as traumatised asylum seekers who up to now have been granted asylum on these grounds, will under the new law be put under detention and consequently sent to the EU-country from which they entered Austria. UNHCR spokesman Roland Schönbauer sees the instrument of unlimited detention as inhumane. He goes on to question:

“Will detention be the answer if a youth or traumatised patient asks for help?”

In addition, the fact that in future legal notices (Bescheide) will no longer be sent to the legal representative but directly to the asylum seeker, is in contradiction with all rules existing in a constitutional state, as there is no legal counselling while in detention.⁴⁶

The severe limitation of individuals’ free movement, the limitation of legal protection for unaccompanied minors and the right to search a person’s house based on the mere suspicion that he/she is residing in the country illegally, are in contradiction to the European Law on Human Rights (Art. 8). The possibility to deport asylum seekers already during the verifying of admissibility of detention procedure and to terminate the proceeding, is in direct contradiction to the Austrian constitution.⁴⁷

The currently applicable asylum law was implemented under Ernst Strasser’s term of office as Interior Minister in May 2004. It is the subject of severe criticism by NGOs mainly, but the constitutional court also supports criticism concerning the practice of deportation as stipulated by the law. Significant in 2004 were indictments against human rights lawyers, as reported by several media.⁴⁸

The newly proposed measures aim to prevent an extension of asylum seekers’ stay. Anny Knapp, chairwoman of the NGO Asylkoordination Österreich, expects an

⁴⁴ APA press release, 11 March 2005

⁴⁵ „Vorbehalte gegen neues Asylgesetz“, Wiener Zeitung, 9 March 2005

⁴⁶ Vorbehalte gegen neues Asylgesetz“, Wiener Zeitung, 9 March 2005

⁴⁷ Terezija Stoitsits in APA press release, 11 March 2005

⁴⁸ e.g. Falter; Michael Genner: “Strasser ist weg!”, Die Bunte Zeitung, March 2005, Vienna

aggravation of the detention law.⁴⁹ Recent developments on the occasion of the security summit of March 23 2005 between the USA and EU-member states in Mainz, where asylum seekers were identified as a concern for security, confirm this expectation.

As issues of migration are currently dealt principally within the framework of national instruments, it is understandable that in this era of globalisation, where the national state is subject to serious challenges, the dynamics of transcontinental migration can be seen as a threat to national security, especially when one associates migration with terrorist occurrences. This explains why the question of asylum has been linked with the question of security. The Mainz summit can thus be interpreted as a first step toward a transcontinental regime for issues of migration and asylum.

From a national Austrian perspective, Anni Knapp sees that questions of asylum are misplaced at a security summit. In her view, it is obvious that plans for new asylum legislation in Austria are not a matter of questions of substance – rather they are a manifestation of a political deal aimed at ensuring the survival of the coalition. NGOs have expressed concern that by stigmatising asylum seekers as a security concern, their own security is endangered, as this could lead to assaults on them.⁵⁰

⁴⁹ Anny Knapp: “Asylgesetz vor neuerlichen Änderungen”, Die Bunte Zeitung, March 2005, Vienna

⁵⁰ Anni Knapp in a press release from 24.02.2005

6. Government and NGO activities carried out under ‘national action plans’ concerning racism

6.1. Government activities

Governmental activities concerning racism can be found mainly in the legislative realm, as described under section 5. So far, the government has failed to conduct comprehensive, systematic research on migrants and asylum seekers and related incidents of discrimination. The asylum law passed in May 2004 is aimed mainly at handling procedures of asylum rapidly, this aim has not been attained.

Significant is the constitutional court’s ruling of the stipulations of the asylum law passed in May 2004 as unconstitutional, such as the imposition of detention in cases where a consecutive application has been put forward. Also, the numerous and rapid deportations of refugees to the states from which they entered Austria are unsuccessful. The Independent Federal Asylum Senate (UBAS) has annulled several decisions of first instance because the traumatising of asylum seekers had not been considered. Applications by traumatised refugees and victims of violence should, according to Austrian law, be treated in Austria – these refugees should not be deported to other states. Since the constitutional court’s announcement, it is now possible to remain in Austria for the duration of the appeal. Here the constitutional court affirmed the NGO critique and sided with them.⁵¹

Apart from government activities in the legislative area, the Austrian executive has as a result of a recommendation of the Human Rights Advisor Board, launched police training sessions on “Polizei und Afrikaner” (the police and Africans), “Police Actions in a Multicultural Society” and “A World of Difference”, in order for police officers to avoid discriminatory language and raise awareness.⁵² However, violations of human rights on racial grounds occur on an almost daily basis. This leads one to conclude that these activities undertaken are measures of alibi in order to compensate for the negative reputation of the police force and to gain voters.

The municipality of Vienna has established a municipal authority for integration and diversity affairs (Magistrat für Integrations– und Diversitätsangelegenheiten - MA 17). Its main aim is to improve the integration of migrants. MA 17 started operating in Autumn 2004 and acts as a successor to the Viennese Integration Fund (Wiener Integrationsfonds) founded approximately ten years ago. In October 2004, an

⁵¹ Anny Knapp: “Asylgesetz vor neuerlichen Änderungen”, Die Bunte Zeitung, March 2005, Vienna

⁵² Racism and Xenophobia in the EU Member States. Trends, developments and good practice. Annual Report 2003/2004 – Part 2, p. 62

umbrella organisation for organisations and associations in the migration and integration sector, the Wiener Integrationskonferenz-Vernetzungsbüro (WIK-VB)⁵³, was founded as a result of migrants' long struggle for structures of self-administration. The WIK-VB is constituted and operated by migrants and as such is a genuine expression of self-empowerment. The WIK-VB assumed office in November 2004 and received financial support from the MA 17 for infrastructure and personnel.⁵⁴

In conclusion, one can say that there is no comprehensive governmental national action plan concerning racism. Activities undertaken are separate and singular and do not follow a coordinated comprehensive plan for promoting integration and diversity.

6.2 NGO activities

In contrast to the governmental course, numerous NGOs have been quite active in their engagement to counter racism. Initiatives range from reporting and documenting racist occurrences via counselling and legal assistance, to lobbying activities and demonstrations directed toward political actors and government institutions.

In interviews with 16 NGO representatives actively engaged in the combat against racism, the authors of this report found that NGOs had differing approaches regarding the governmental position on racism. What they all had in common was a dissatisfaction with the lack of government efforts invested in countering racism and discrimination.

NGOs specialised in the area of countering discrimination of asylum seekers - Diakonie - Evangelischer Flüchtlingsdienst, Caritas and Asyl in Not – interviewed for this report, have as experts in their field developed a custom which limits their competence of action to the interpretation of legislation in Austria in order to find contradictions in cases of racist incidents. Eventually, they find themselves lacking the power to effect change.

The exception here is Asyl in Not, the only organisation that calls a spade a spade when dealing with constitutional acts, and files charges against the authorities. Among other NGOs, they have long considered themselves as representatives of

⁵³ see <http://www.wik-vernetzungsbuero.at/>

⁵⁴ Suzanne Ebeid: „Fünfte Wiener Integrationskonferenz wählt Vorstand für Vernetzungsbüro“, Die Bunte Zeitung, November/December 2004, Vienna

migrants' concerns vis-à-vis the government and each of them protects its practices of survival as well as its particular relations to political parties and the government. In the following is a selection of politically active NGOs' views on racism and actions taken by them.

6.2.1 Caritas

Caritas is concerned with issues of social welfare, among them the provision of basic needs, legal counselling, assistance in the labour market and provision of housing for asylum seekers. The basic concern of Dr. Werner Binnenstein-Bachstein, head of the social work department, is racism and hostility toward foreigners, which according to him emanates from the top of the pyramid, that is to say from the ruling class. Irresponsible behaviour of decision makers begins with contradictory opinions on how to deal with questions related to asylum and leads to the populism of the governing coalition which equates asylum seekers with criminals. Notions such as these permeate into the collective consciousness of the mainstream population.⁵⁵

Mr. Binnenstein-Bachstein assumes that racism in Austria is the historical compensation for a “national” inferiority complex and a result of the fear of losing property and wealth. He furthermore assumes that this compensation goes along with a necessity of the population to identify enemies. He sees that instruments such as exclusion and violation of primary human rights, as found in the amendments of the asylum law passed under the former Interior Minister Ernst Strasser, reflect the dynamics and degree of racism prevalent in Austria⁵⁶.

Mr. Binnenstein-Bachstein sees a necessity to tackle the problem of social poverty and asylum related issues on the level of symbolic politics - that is how politicians present issues of discrimination to the public, as well as on the level of actual existing structures and legislation. He is convinced that it is of crucial importance to deconstruct the prevalent image of the stranger so as not to be manipulated by stereotypic stigmatisation offered by some politicians and media. To this end, Caritas has initiated a series of discussions among NGOs. Caritas also conducts trainings with the police on the image-making of the stranger, and offers a basic training to judges on anti-discrimination and human rights. Caritas cooperates with Amnesty International and Mr. Binnenstein-Bachstein expressed a strong interest in further networking. Furthermore, Caritas has taken over the provision of basic needs

⁵⁵ Dr. Werner Binnenstein-Bachstein in an Interview on 10.02.2005

⁵⁶ Dr. Werner Binnenstein-Bachstein in an Interview on 10.02.2005

from the government.⁵⁷ On the structural level, Mr. Binnenstein-Bachstein places the organisation's thrust on creating a linkage between the receiving of a residence permit and a work permit.⁵⁸

6.2.2 Asyl in Not

Asyl in Not is among the most outspoken of NGOs engaged with questions of asylum. Its method of operation is unique as Asyl in Not combines individual legal and social assistance with the political struggle for humane asylum legislation.⁵⁹ Asyl in Not understands itself as an NGO of a new kind. It is a political movement and claims to be in the vanguard of the political struggle.⁶⁰ Asyl in Not offers support to every democratic government which unconditionally supports human rights.⁶¹

As representative of the Austrian resistance movement, Asyl in Not sees that discrimination in Austria is the result of a deeply-rooted tradition of structural racism. Mr. Genner, chairman of Asyl in Not, drew reference to the historic fact that hundreds of thousands of people cheered for Adolf Hitler when he held his famous speech on Heldenplatz in Vienna.⁶² It has to be emphasised here that there exists another Austria alongside the above described one, which manifests itself in the Austrian resistance movement.

Asyl in Not places the responsibility for the deplorable situation facing asylum seekers squarely on the governing coalition between the Conservative Party (ÖVP) and the Freedom Party (FPÖ). It furthermore has an ambiguous relation toward the European Union, as there are on one hand forces propagating a Fortress of Europe and on the other an enlightened and democratic Europe with human rights as one of its core values.

Michael Genner, chairman of the organisation, would like to take a leading position for Austria in this formative process.⁶³ He views the transfer of provision of basic needs from the government to Caritas as preferential. However, he sees that by agreeing to this lucrative deal, Caritas has abandoned the political and legal struggle.

⁵⁷ Note by the authors: The government provides financial support for this service

⁵⁸ Dr. Werner Binnenstein-Bachstein in an interview on 10.02.2005

⁵⁹ <http://www.asyl-in-not.org/>

⁶⁰ Michael Genner in an interview on 02.02.2005

⁶¹ <http://www.asyl-in-not.org/>

⁶² Michael Genner in an interview on 02.02.2005

⁶³ Michael Genner in an interview on 02.02.2005

Mr. Genner pointed out that Caritas has not participated in the struggle for a more humane asylum legislation. Through the provision of basic needs, asylum seekers can be located, as they have to sign a note in which they authorise the transfer of their data to the “aliens’ police”. As this can be equated with an agreement to deportation, asylum seekers are advised not to sign such a note.⁶⁴

Asyl in Not declares cases where asylum seekers, through the organisation’s intervention, were prevented from being deported to third countries as a victory. It rejects the Dublin Convention, as asylum seekers should have the right to decide which country they take refuge in and as it is uneconomical. Mr. Genner goes further to declare the Dublin Convention as a crime against humanity as, with reference to the convention, traumatised persons are expelled to “unsafe” countries where they are not recognised. Chechen refugees for example, of whom almost 100% are recognised in Austria as they are considered to be victims of group persecution, fail to receive recognition in the Czech Republic or Slovakia.⁶⁵

Through the intervention of Asyl in Not, Chechens who had been expelled from Austria were able to return. Asyl in Not was determined in its efforts to remove former Interior Minister Ernst Strasser from office, under whose term of office crimes against humanity took place (e.g. the death of Seibane Wague, deportation of traumatised refugees, etc.). The organisation interprets his resignation in December 2004 as a victory and expresses readiness to cooperate with the new Interior Minister Liese Prokop.⁶⁶ However, Mr. Genner is convinced that Austria can only take on a role as a country of asylum with a new government.⁶⁷

6.2.3 Diakonie - Evangelischer Flüchtlingsdienst

The Evangelischer Flüchtlingsdienst, the refugee department of the Diakonie, is responsible for counselling services for youth, counselling for integration, detainees and adult accommodation. In addition, it offers psychotherapy to asylum seekers. This has come to be of crucial importance as refugees coming from war zones, Chechnya for example, are traumatised and under severe psychological stress, often having experienced torture.⁶⁸

⁶⁴ Michael Genner in an interview on 02.02.2005

⁶⁵ Michael Genner in an interview on 02.02.2005

⁶⁶ Michael Genner: „Strasser ist weg!“ Bunte Zeitung, March 2005, Vienna.

⁶⁷ Michael Genner in an interview on 02.02.2005

⁶⁸ Christoph Riedl in an interview on 08.02.2005

The head of the department, Christoph Riedl, states that racism vis-à-vis asylum seekers is created by and fuelled by decision makers. The statement of former Minister for the Interior Ernst Strasser claiming that 40% of asylum seekers are criminal, and the Kronen Zeitung (most widely circulated newspaper in Austria) as well as national television programmes communicating that asylum seekers are erroneous and dangerous persons, are seen as proof of such. Authorities of Strasser's kind are responsible for the fact that such images penetrate the minds of Austrian citizens, 90% of whom have no knowledge about asylum seekers and their situation and are divisive in forming their views on asylum seekers. Before 1991, the predominant public opinion on asylum seekers was that Austrian society had to make accommodation available for those in need of protection. Then, in response to non-objective anticipating public opinion polls, politicians assumed that with severe asylum legislation they would be able to gain voters. There is a vicious circle at work here. The resulting and often violent maltreatment of refugees could be bettered by integrating the persons concerned into the police apparatus.⁶⁹

Traumatised refugees used to receive rapid recognition in Austria. Work with traumatised refugees from Chechnya however is extremely difficult as they desire to return to their home country as quickly as possible and therefore do not show readiness to integrate for example. The state of inactivity of these refugees adds another dimension to the problem and often leads to occurrences of violence within the family. Here, access to the labour market would remedy the situation.⁷⁰

Diakonie identifies the practice of detention as one of the major malpractices under the currently valid asylum legislation and expresses the necessity for a complete reconsideration of such. Rather than detaining refugees as a practice of disciplinary procedure – the aim of which, namely deportation, is in most cases not attained, the government should provide quick and qualitative asylum procedures and work to improve court hearings.⁷¹ Here, the procedure applied to provide for integral security from a legal as well as social and psychological approach, (also practiced by Integrationshaus), should be noted.

Diakonie has reported a case which demonstrates the connection between racism and crime. A Nigerian youth was recently beaten by the police, when the police found out that this Nigerian was not the person they had thought to be, they drove him to the countryside in Lower Austria and dropped him in the middle of the

⁶⁹ Christoph Riedl in an interview on 08.02.2005

⁷⁰ Christoph Riedl in an interview on 08.02.2005

⁷¹ Christoph Riedl in an interview on 08.02.2005

countryside.⁷² This case clearly demonstrates the police's treatment of the weaker members of our society.

As Austria's influence on the international political situation is limited, Diakonie is working on achieving a vanguard role for the country, for example in regard to the regulations concerning the deportation to third countries. The current practice of asylum trials usually being conducted in new EU-member states, where the Geneva Convention finds little application, is fatal.⁷³

⁷² Christoph Riedl in an interview on 08.02.2005

⁷³ Christoph Riedl in an interview on 08.02.2005

7. The victims' perception of racism and racial violence

The victims' perception of racism and racial violence will be illustrated on the basis of five examples of racial violence. In four cases, victims have been afflicted with violence by the police; in one case, the victim was violently attacked by a citizen. In almost all cases, instead of bringing the perpetrators of violence to justice, charges have been filed against the victims. These cases are documented facts illustrating the framework of racism and crime operative within the police force when dealing with persons in custody and belonging to the weaker segments of society. In the following, there is a description of the cases and how the victims feel about what happened to them.

7.1 Case One

On August 23 2004, a female journalist, Anne Ulrich, was taken to the police station by a taxi driver as she was 2 Euros short on her fare. There, she was allegedly treated as a “toy” and “scapegoat” by two policemen on duty at the police station, with a third female officer was also present. In the process, she was humiliated (her clothes were partly taken off) and maltreated in such a manner that she suffered severe injuries on her left arm, which had to be treated with emergency surgery. Although there is clear evidence that the journalist arrived at the police station in healthy condition and from there had to be taken to hospital by ambulance, the court in February 2005 found the indicted police officer not guilty. He and his colleagues continue to hold office.⁷⁴

It should be mentioned that the 37-year old woman measures 1.60 meters and weighs 55 kilograms. The feminine and fair skinned woman with child-like physical features perceives it as alarming and threatening that any civil person can potentially be subject to police violence. She has lost every confidence in the constitutionality of the state (Austria) – with regards to the executive as well as the judiciary.⁷⁵

7.2 Case Two

Hamdi Soleiman, 1.61 meters in size and weighing about 55 kilograms, is proud of his Nubian origins. He was allegedly attacked by eight policemen in a Vienna subway station, thrown to the ground, his hair rooted out, then dragged into the police car where he fell unconscious and was transported to the police station.

⁷⁴ „Gelähmter Arm wegen nichts und wieder nichts“ Bunte Zeitung, September/October 2004, Vienna

⁷⁵ „Gelähmter Arm wegen nichts und wieder nichts“ Bunte Zeitung, September/October 2004, Vienna

There, he was maltreated again, undressed, thrown to the ground once more where police officers kicked him.⁷⁶

The charge filed by Soleiman was rejected and Soleiman received an administrative fine and was accused of having engaged in resistance against the state authorities instead. He was found guilty in the trial which took place in July 2004.⁷⁷

Soleiman's life since the incident has been severely disrupted, he and his family suffer from trauma. Soleimann has expressed severe concern and is shocked that due to prejudice based on skin colour and dread locks, persons are treated as dangerous criminals.⁷⁸

7.3 Case Three

Marcy Ozor-Onu is a vigorous young man from Nigeria who plays football at the F.C. Sans Papiers – Die Bunten football club. He was shot by an unknown person in an incident of daily racism. Here, a charge was filed against the victim. Ozor-Onu was charged with having sold drugs to the gunman. Neither the original complaint nor the gunman have been pursued - the gunman remains free.⁷⁹

The young man cannot understand what has happened to him and says: "I came here to be safe, not to die". The case shows that in Austria the independence of the judiciary and the judges is a controversial issue. The judiciary struggles for independence from politicians and political parties. If an Austrian citizen has connections to a political party, she/he can be almost certain to be victorious in court cases such as the one described here.

7.4 Case Four

The case of Edwin Ndupu is of utmost gravity, as here racial discrimination by the executive forces resulted in the death of the victim. This man found his death in a prison cell at Stein on August 19 2004, where he was allegedly tortured by about eight fully equipped prison guards who, among other instruments, used Chloracetophenon (CN) teargas in frightening quantities –an especially dangerous

⁷⁶ „Polizisten in ihrem Element“ Bunte Zeitung, September/October 2004, Vienna

⁷⁷ Polizisten in ihrem Element“ Bunte Zeitung, September/October 2004, Vienna

⁷⁸ Polizisten in ihrem Element“ Bunte Zeitung, September/October 2004, Vienna

⁷⁹ "I came here to be safe, not to die" Bunte Zeitung, November/December 2004, Vienna

type, classified by the Geneva Protocol as a chemical weapon and outlawed in war situations.⁸⁰

Up to this moment, there exists no photo of Ndupu which could help to locate family members of his. Authorities know that asylum seekers' names are nicknames, therefore, only Ndupu's case can speak about himself, that is, his death.⁸¹

7.5 Case Five

Leonardo Kalonji is a Congolese student at Vienna University's medical faculty. Recently, police allegedly stormed his room at the student hostel at night and attacked, beat and insulted him. The policemen also threatened him with a gun. Kalonji had to undergo hospital treatment.⁸²

In the trial which took place in consequence to Kalonji's indictment, the policemen were acquitted. The victim suffers from health problems and psychological damage and has lost his job as a hospital nurse due to his damaged reputation.⁸³

The authors of this report have found that, in the light of Austrian experiences, it is difficult to substantiate whether the tradition of such actions, i.e. torture and humiliation, originates from the practice of the 1930s that parts of the population have not yet come to terms with, or whether we are confronted with a new phenomenon between the police and members of society's fringe groups.

⁸⁰ Documentation obtained at a press conference of the Austrian Green Party in February 2005

⁸¹ „Justizwachbeamte erhalten Auszeichnung – für Totschlag?“ Bunte Zeitung, November/December 2004, Vienna

⁸² „Vom Krankenpfleger zum Möbelschlepper“ Bunte Zeitung, September/October 2004, Vienna

⁸³ „Vom Krankenpfleger zum Möbelschlepper“ Bunte Zeitung, September/October 2004, Vienna

8. Specific problematic areas in relation to racial discrimination

The most urgent problem in connection with racism and discrimination in Austria might be the dependence of the judiciary on the executive. It is evident that the executive exerts a major influence over the judiciary. It appears that the traditions of the Kaiser & Kirche monarchy have left their traces and still manifest themselves in the present. It is not only the court mentality (“Hofmentalität”), characterised by relations between master and servant, but also the dilemma of instructions coming from various political actors, which are the cause the judiciary cannot accomplish its duties in the spirit of a balance of powers.

The ongoing arguments regarding instructions from political parties to the judiciary basically reflect Austria’s political culture, which entails a tendency to employ servitude and discrimination as a means to finding political solutions. The consequences of this situation, as seen in the case of Edwin Ndupu, see section 7) or in the case of Seibane Wague, see section 4), confirm this theory.

In connection with the case of Edwin Ndupu, Karl Öllinger, Green party member of parliament, stated that the evaluator (Gutachter) authorised to assess the circumstances of the case, did not mention/examine the following in his assessment:

- A quantitative measurement of the concentration of tear gas in the cell, which he himself could not enter due to the remnants of the tear gas
- A verification of the scientific literature on the deadly effects of CN gas under certain circumstances (closed, small spaces)
- That due to two reanimation attempts there were no traces of the gas in the lungs of the victim
- An examination of other organs of the victim, such as the stomach, liver, kidneys, brain.⁸⁴

The evaluator’s performance in the case of Edwin Ndupu is a further illustration of the problematic encountered by the judiciary in working independently and objectively when the investigating institution is in the hands of the executive.

⁸⁴ “Der Justizkrimi von Stein” - documentation handed out at a press conference held by the Green Party in February 2005

9. The situation of the Roma community

In contrast to some of the new Eastern European EU-member states, as well as some Western European states, the Roma in Austria received recognition as one of six officially recognised indigenous ethnic groups in 1992. The recognition is significant as, apart from the consequently founded Roma Funds for improving the educational situation for Roma youth and research done on Roma victims of the Holocaust, it has led to a re-ethnicisation primarily expressed through increased awareness and knowledge of the language. For many belonging to this group however, the official status has had little impact on their lives and the fear and trauma caused by the assassination of four Roma men in the Austrian province of Burgenland in 1995 are still very present among the Roma.⁸⁵

The Roma population migrated from India to Europe in the 15th century, and has to this day encountered negative attitudes from the majority population. In spite of their official recognition, a certain distance toward Roma in Austria can be found, and discrimination in the areas of housing, education and public life, as well as discriminatory treatment by the executive.⁸⁶ An example of how the issue of discrimination against the Roma population is dealt with by the local media is an incident reported recently in a programme screened by national television ORF, where three Roma street musicians from Slovakia received an administrative fine and their instruments were confiscated.⁸⁷

The Roma population is afflicted with a much higher unemployment rate than the average population and shows underachievement in education.⁸⁸ Counselling units of NGOs such as Caritas have found that many job-seekers with a Roma identity have been rejected on ethnic grounds.⁸⁹ In addition, the Roma population in all of Eastern and Western Europe generally exhibit a higher rate of illness and have lower access to health care than other population segments.⁹⁰

⁸⁵ Monique Broeshart: „BürgerInnen zweiter Klasse“ Die Bunte Zeitung, June/July 2004, Vienna

⁸⁶ Renata Erich in an interview on 03.02.2005

⁸⁷ “Report, ORF, 1. 3. 2005

⁸⁸ Racism and Xenophobia in the EU Member States. Trends, developments and good practice. Annual Report 2003/2004 – Part 2, pp. 83, 121

⁸⁹ Racism and Xenophobia in the EU Member States. Trends, developments and good practice. Annual Report 2003/2004 – Part 2, p.83

⁹⁰ EUMC: Breaking the Barriers – Romani Women and Access to Public Health Care. European Communities, 2003, Luxembourg

The underachievement in education can be assigned to a history of social exclusion, a mono-cultural orientation in education and assimilation tendencies, factors which have led to a distrust in the educational system and to low expectations regarding the benefits of educational attainment. The fact that many of the older Roma generation have not met basic educational standards also plays a role in increasing the educational achievements among the younger generation.⁹¹

Romano Centro, an organisation which provides social, administrative and educational services to all Roma living in Austria and actively engaged in the fight against racism and discrimination, locates the beginnings of discrimination in school. As traditional Roma families have a sceptical attitude toward school and as children are not accustomed to abstract learning, they usually show poor results and irregular attendance. Romano Centro has organised a study support service whereby university students assist Roma children in their homes in achieving educational requirements.⁹²

Romano Centro sees little change with regard to the Roma situation in Austrian society and calls for the respect and preservation of the Roma identity, still abused as scapegoats and treated as strangers in Austrian society today. Other minorities also have a sceptical attitude toward the Roma. Part of the explanation for the racism displayed against the Roma lies in the multi-ethnic Austrian state.⁹³

Romano Centro recognises that the state invests in many efforts for the Roma cause, expressed in their recognition as an ethnic group and the support of Roma associations. However, Romano Centro would want to see more toleration and acceptance of persons who are different to ordinary citizens, as Austria is a wealthy country that has the capacity to do so.⁹⁴ Gerhard Baumgartner, author of a social study on the Roma for the European Parliament, expects improvements, foremost in the legislative realm, and expresses concern that positive discrimination, such as the funding of Roma projects in singular Roma settlements, may lead to strengthening fascist tendencies and racism.⁹⁵

⁹¹ Racism and Xenophobia in the EU Member States. Trends, developments and good practice. Annual Report 2003/2004 – Part 2, p. 121

⁹² Renata Erich in an interview on 03.02.2005

⁹³ Renata Erich in an interview on 03.02.2005

⁹⁴ Renata Erich in an interview on 03.02.2005

⁹⁵ Gerhard Baumgartner cited in „BürgerInnen zweiter Klasse“, Monique Broeshart. Die Bunte Zeitung, June/July 2004, Vienna

10. Data collection on discrimination and difficulties experienced in collecting information on this topic

In the process of collecting data for this report, the authors found that comprehensive comparable data on the composition and legal status of migrants, their problems encountered in Austrian labour and housing markets, etc. were not available. There is no Immigration Ministry in Austria and no other institution devoted specifically to migrant issues from a national perspective. Elisabeth Freithofer from the “Integrationshaus” confirms this finding - according to her knowledge, systematic, comprehensive research has so far not been conducted. Ms. Freithofer ascribes the lack of such research activity to a disinterest on the part of the governing political class.⁹⁶

This report is thus based on relevant legislative texts, publications on migration and racism, material provided by NGOs and interviews conducted with representatives of NGOs working in the field of racism and discrimination, as well as local media contributions. The findings resulting from interviews with 15 NGOs and one politically active contemporary artist, as well as the long-standing and well-founded experience in the field of migration of the author, have given this report its lively and contemporary character and provided valuable insights regarding the nature of the anti-racism scene in Austria.

⁹⁶ Elisabeth Freithofer in an interview on 25 January 2005

11. Media coverage of discrimination

The Kronen Zeitung, Austria's most widely disseminated daily magazine, reflects the general mood prevalent among political parties and the general will of the population. This newspaper is specialised in expressing the 'collective soul' as well as expectations of the population from bottom to top. The Kronen Zeitung is like a popular treasure combining the hidden thoughts and orientations of the population at almost all levels. Racism here appears as the ability to paint with words prejudiced perceptions of the migrant, the stranger. Even enlightened, globally minded persons discover from time to time that their own thinking is influenced by the linkages of social ailments to migrants, as propagated in the Kronen Zeitung. The Kronen Zeitung is both the barometer and role model of the Austrian collective intelligence at the same time.

Other media, such as Wiener Zeitung, Presse Profil and Ö1 are of higher intellectual standard and report in an objective, balanced and well-founded manner. However, the dissemination of these media is more limited.

The Bunte Zeitung, the magazine published by migrants in Austria, covers, among other issues, questions relating to discrimination. Its circulation is fairly small however in comparison to the above mentioned media.

12. Services available to victims of racism

Numerous NGOs offer counselling and legal services as well as assistance in matters concerning housing, jobs, education, health, etc. A general phenomenon prevalent in Austria is that of dealing with people with regard to their position in society. Titles are emphasised and discrimination in Austria is rendered as the same substance which was prevalent in monarchical times in the tradition of the so called “court councillor mentality” (“Hofratsmentalität”). Patterns of relationship between “lieutenant and baboon” (“G’scherter) are emulated. This mentality is carried on by various Austrian organisations to varying degrees.

Here is a description of some of the NGOs offering services for victims of racism.

12.1 Die Bunten

In contrast to many other institutions, which have taken on the habit of repeating racism or using racism as a means of compensation for their own dissatisfaction with the authorities, “Die Bunten” employs instruments which build the inner strength of individuals affected by racism. These instruments are, for example, a football team supported by the Academie Sans Papiers, where German language, political education, print and radio journalism, computer and photography courses are offered to asylum seekers. The strategy pursued follows the method of empowerment so that individuals feel at ease with themselves wherever they are and are able to defend themselves. Please note that this opinion is subjective, as the author of this report is chairman of the organisation “Die Bunten”.

12.2 ZARA

Zara documents racist occurrences in its yearly report and offers counselling for victims of racism. It does not consider itself as a migrants’ organisation.

12.3 Klagsverband

After Austria had failed to ratify anti-discrimination legislation in accordance with the EU directive (EU-Richtlinie) in 2003, the Klagsverband was founded as a consequence to the passing of the extension of the law on equal treatment by Austrian parliament in 2004, as there was no reference to NGOs in this law. Its main purpose is to pass on legal knowledge to other NGOs offering legal counselling and coordinate indictments. It provides tools for the location of legislative weaknesses so that existing laws can be interpreted and employed to adjudge acts of daily discrimination.

At present, the Klagsverband aims to pressure the Commission on Equal Treatment to form three senates in the areas of labour market, sexual orientation, age, racism, cases of anti-discrimination, services, men and women, and housing. The Klagsverband cannot act as a representative for a party in a legal case, it can intervene in court cases only from an accompanying position and provide material for evidence. For this reason, in the case of a loss of a trial, the Klagsverband is in need of funds from which to pay costs accruing from a trial.⁹⁷

The Klagsverband interprets the actual situation of racism and discrimination relevant to Austrian society from a structural perspective. Thus, the Klagsverband itself is - in view of its present membership of associations which are not migrant associations (ZARA, HOSI, Bizeps, Gehörlosenbund), but are competent to deal with migrant issues – a prototype of an Austrian NGO executing itself the practice of exclusion, against which it is engaged to take action. As the Klagsverband is still in its formative phase, it is too early to give a conclusive statement as to whether it is an organisation of Austrian individuals (the authors spoke to Mr. Volker Frey, a distinguished expert in his field) serving as a fig leaf and providing for its own societal success. So far, it lacks a strive for a change in the general societal situation and operates within the given legislative framework. The Klagsverband at present is an oasis that came to life due to the dynamics of the law on equal treatment.

12.4 Panafa

This organisation is a pan-African forum claiming self-representation, due to the exclusion of the African population in the professional, cultural and media spheres. Panafa assumes that the cause for exclusion can be found in the local population's view that "foreigners" cannot add to the public good and to attaining a harmonious cohabitation. Panafa sees the cause for this attitude in widespread ignorance about Africans, they are still seen as originating from the rain forest, and therefore the preconditions for mental emancipation are not given. This attitude is foremost spread among 'less educated' Austrians, factory workers, taxi drivers, etc. These persons also fear that Africans would take away their jobs.⁹⁸

Concerning exclusion from the media, Joe Taylor, one of the founders of Panafa, states that information on Africans in the media is mostly accompanied by negative

⁹⁷ www.klagsverband.at, Interview with Volker Frey, member of the Klagsverband, on 2 February 2004

⁹⁸ Joe Taylor in an interview on 11 February 2005

images. Also, the fact that Africans find expression only through Austrian representatives is widespread.⁹⁹

Panafa promotes a discourse of African self-representation under the so-called affirmative action law, demanding positive discrimination due to the specific characteristics of certain groups. This year, Panafa is planning a series of events documenting contributions of Africans to Austrian society.¹⁰⁰

12.5 Initiative Muslimischer ÖsterreicherInnen (IMÖ)

In the tradition of monotheistic beliefs, the IMÖ analyses societal relations with reference to hostile powers directed against them. Tarafa Baghajati from the IMÖ outlines five pillars upon which the IMÖ is based. Participation in civil society; supporting the anti-racism movement; supporting the peace movement; conducting an inter-religious dialogue; and public relations activities. The strategy employed by the IMÖ to counteract Islamophobia and hostility toward Islam is one which seeks to rectify common prejudices on principles and practices of Islam by means of dialogue and presence in the mainstream media.¹⁰¹ The organisation deserves undisputed merit for its educational and enlightenment activities concerning issues such as women's rights in Islam, etc.

In contrast to the "Clash of Civilizations", as put forward by Samuel Huntington's thesis, the IMÖ discovers mutually benefiting and fruitful outcomes from the conflicts between Christianity and Islam. It thus pursues a counter-directed concept and seeks to enforce the capacities of dialogue with Christianity and other religions. The IMÖ conducts workshops with civil society in order to enhance mutual understanding and has installed a documentation department which collects and analyses positive as well as negative incidents where Islam is involved.¹⁰²

⁹⁹ Joe Taylor in an interview on 11 February 2005

¹⁰⁰ Joe Taylor in an interview on 11 February 2005

¹⁰¹ Tarafa Baghajati in an interview on 11 February 2005

¹⁰² Tarafa Baghajati in an interview on 11 February 2005

13. Good/best practice of NGO work against racism

Asyl in Not is among the most effective NGOs in Austria because of its continuous engagement in the struggle against institutionalised racism by employing socio-political instruments. For the year 2004, one should mention in particular that Asyl in Not has indicted former Interior Minister Ernst Strasser for the “contradictions of his policies and the dissemination of lies.”

Integrationshaus specialises in the difficulties of migrants obtaining accommodation. It also offers psychological counselling, legal counselling, and assistance in finding jobs.

SOS-Mitmensch offers substantial aid to mostly young illegalised persons and awards the Ute Bock prize for civil courage. This year the platform “Gerechtigkeit für Seibane Wague” received the prize.¹⁰³

Echo is an association for youth, culture and integration, mainly for second generation youth. It creates a socio-cultural platform, where youth can articulate themselves and integrate into society.¹⁰⁴ Financial support for this organisation was cancelled in 2004.

Die Bunten pursues exceptional achievement. In parallel to the theoretic discourse on racism and discrimination, the organisation offers tools to all groups of migrants to defend themselves in social life through education and practices of self-empowerment, such as by writing for its magazine or participating in its football team.

103 <http://www.sos-mitmensch.at/>

104 <http://www.latzinator.com/grr/echo>

Conclusion

Racism in Austria is a complex phenomenon with historical roots. The authors have found that there is an alarming interplay between structural and attitudinal racism at work, one type of racism entails and fuels the other. Whereas it is impossible to identify one or the other type of racism as the root cause, the authors believe that tackling prevalent structural racism (as found in the asylum legislation and the labour market for example, as well as in the relation between judiciary and executive powers) is of utmost importance if racist incidents are to decrease and if Austria wishes to deserve its status as a constitutional (Rechtsstaat) state embracing human rights and social values.

Racist attitudes can be found among the population at large as well as among leading political classes in the country. They exist for several reasons. One explanation can be found in the political culture of the country which is conditioned by a distorted confrontation with Austria's heritage and the resulting deficient processing thereof. This lack of sincere reflection makes the political system prone to incorporating racially oriented political forces and to resorting to discriminatory legislation and practices. Politicians explaining social and structural problems, such as unemployment or drug abuse, with reference to migrants, succeed in gaining votes and convincing considerable segments of the population of their interpretation of social ailments. Media dissemination of the linkage between social ailments and migrants adds to its pervasiveness. Thus, existing residual racist attitudes are invigorated and fuelled rather than transformed.

Through the cooperation of activists and artists in the fight against racism (the authors of this report have interviewed Daniela Koweindl and Martin Krenn, members of a group of artists which initiated the project "Interventions against Racisms" last year), two points were confirmed: The first is that racism emanates from the political system, which reflects the interests of the majority population who are supposed to be untouchable in terms of racism. The second point expresses that the artists themselves are not free from the dynamics of exclusion. Their comprehension of liberty and equality is one of equals among equals.¹⁰⁵

Whereas members of this group of artists understand their job as an act of solidarity with persons concerned by racism in their activities of dealing with themes such as nationalism, anti-Semitism, sexism and racism on an artistic level, they focus on

¹⁰⁵ see Suzanne Ebeid: "Allianzen in geschlossenem Kreis", Die Bunte Zeitung, March 2005

societal critique concerning the revival of nationalism.¹⁰⁶ Their work gives special attention to the concept of homeland (Heimat) which, when overemphasised, cannot be dealt with separately from the phenomenon of nationalism.¹⁰⁷

Koweindl and Krenn do not understand their activities as comparable to the work done by human rights groups, however they show an intense interest in networking with such initiatives, as the artistic dimension can provoke a process of synergies and thus add vigour to the anti-racist movement. Krenn indirectly affirms that the practice of anti-racist work done focuses mainly on the interpretation of new legislation.¹⁰⁸

The authors have also interviewed Ljubomir Bratic for this report, who was engaged in public relations activities for the Büro für ungewöhnliche Massnahmen (BUM), a project financed by the EU to bring the contents of political anti-racism to the public. Mr. Bratic identifies racism as an exclusively structural issue and places racism squarely into the context of the operating system of national states and their capitalist oriented market economies, whereby certain groups of persons are excluded. The differences which are hereby generated can be seen as constituting elements of the nation state.¹⁰⁹

In background to this system of exclusion, Mr. Bratic emphasises that, beginning with Christopher Columbus and the discovery of America and the onset of slavery, colonialism and imperialism, racism has been a structural characteristic nourished by prevailing laws. For Mr. Bratic, the fight against racism is to be equated with the fight against these structures. Mr. Bratic sees that it is not to be taken for granted that certain groups in a system have advantages over others. He sees racism as an integral part of the ideology of the nation state which embraces the market economy and private property as two main realities which are never questioned. The nation state and its institutions secure the market economy. The nation state, according to Bratic, is based on a mechanism of coercion, depriving its citizens from the freedom of choice. The State, in order to legitimise itself and its system has to institutionalise differences through, for example, racisms, sexism, etc. Differences are institutionalised by passive as well as active discrimination. Passive discrimination gives the person the possibility to choose only among certain positions within the

¹⁰⁶ See www.oesterreich-2005.at

¹⁰⁷ See www.martinkrenn.net

¹⁰⁸ Koweindl and Krenn in an interview on 14 February 2005

¹⁰⁹ Ljubomir Bratic in an interview on 11 February 2005

system. In practices of active discrimination, persons are obviously and systematically excluded.¹¹⁰

For Mr. Bratic, the phenomenon of discrimination of migrants in Austria seems to have its foundation in the period following World War II, when most enterprises were nationalised and a thorough linkage of the state to the economy took place. Regulation demanding that a works counsellor (Betriebsrat) had to be an Austrian national was passed in the aftermath of World War II, for example. Mr. Bratic blames the Austrian political system which classifies people into two groups: the natives with the capacity for rational thinking and included in the decision-making process, and the migrants, guided by emotional thinking and therefore not be able to develop its own “logo”. The aim of political anti-racism work is to implement mechanisms which enable access to decision making and resources for as many groups as possible.¹¹¹

Proceeding from the fact that racism occurs at all times, in all cultures and in every system (national, regional as well as international) the authors face the following question: “What do we need to objectify here in connection with racism?” There is no need to discuss discrimination extensively, as the human being is cognitively or unconsciously confronted with discrimination in every act of selection. In spite of the fact that this report has as its subject matter discrimination based on external physical attributes, one needs to mention here that racism and discrimination constitute differences, or dividends, of power relations.

Therefore, a serious and sincere treatment of the phenomenon of racism presupposes a linkage of power in the process of transformation of stateness on one hand, and to the process of socialisation taking place alongside on the other. Here, it is indispensable to associate terms such as justice, equality, etc. with a legislative and applicative sense of global justness.

Considering relations of power from this perspective, the interaction of rapid technological development, structures of power and the necessity to create new needs (and the contradiction this entails) shows that the revolution of stateness and the accompanying new conception of a European constitution is aimed at a neo-liberal societal order. This happens at the expense of social justness. Social fractures arising in this process are in a manner linked to racism and discrimination.

¹¹⁰ Ljubomir Bratic in an interview on 11 February 2005

¹¹¹ Ljubomir Bratic in an interview on 11 February 2005

The repercussions of such an environment on Austria have explicitly emphasised the fact that the country has become, due to changes in its environment, the object of its own destiny rather than participating as a contributing subject to its historical development. At a recent press conference of the International Institute for Peace (IIP), former Interior Minister Erwin Lanc suggested that Austrian neutrality is self-chosen rather than having been imposed (oktroiert) by other forces.¹¹²

In retrospect, one has to say that the current and continuous aggravation of Austria's asylum legislation (regardless of who occupies the position of Interior Minister) goes against Austria's historic commitment to perpetual neutrality and thus can be taken as an expression of the nature of liberty, democracy and constitutionality of this country. Ultimately, racism and discrimination, institutionalised as well as daily expressions thereof, are indispensable for the contemporary political system to function, just as lubricating oil is essential for the functioning of an engine.

¹¹² Erwin Lanc in a press conference on 2 March 2005